

Senator Harrison moved to adjourn to 9:30 a. m. to-morrow.

Lost.

By Senator Greer:

Amend by striking out in line 26 of section 1 the following: "representing and in memory of one of the fathers of Texas," and by inserting in lieu thereof "of Sam Houston."

Lost.

Resolution adopted.

#### HOUSE MESSAGE.

The following House message was received:

House of Representatives,  
Austin, Texas, April 1, 1897.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 171, entitled "An act to amend article 3582a, title LXXVa of the Revised Civil Statutes, relating to the Board of Pardon Advisers."

Passed by a two-thirds vote: yeas 91, nays 19.

Senate bill No. 240, a bill to be entitled "An act to amend an act entitled an act to provide for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State or to any county, city or town to satisfy the lien thereon; as enacted by the regular session of the Twenty-fourth Legislature, being chapter 5a, of title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act."

Passed by a two-thirds vote: yeas 103, nays 4.

Senate bill No. 285, entitled "An act making an appropriation for the establishment of a public park on the site of the battlefield of San Jacinto, and the erection of the necessary buildings and improvements therein, and providing for the purchase and condemnation of a sufficient amount of land upon upon which to establish said park."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

Senator Yantis moved to adjourn to 10 a. m. to-morrow.

Lost.

Resuming consideration of Substitute House bill No. 90 (see caption above), the same was passed to third reading.

On motion of Senator Goss, the Senate adjourned to 10 a. m. to-morrow.

#### SIXTY-SECOND DAY.

Senate Chamber,  
Austin, Texas, Friday, April 2.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.

Absent.

Boren.	Rogers.
Dibrell.	Stone.

Excused.

Yett.

Prayer by the Rev. Dr. Hotchkiss of Bastrop:

O Thou God of all Grace, who in the tenderness of Thy love dost rule over men, we are not unmindful of Thy blessings to us, and we do now lift our voices in expression of thanks to Thee for Thy unceasing mercies to us as a nation and commonwealth. Thou hast blest us richly through all our history. Signal and gracious have been our deliverances from evil. Defend us, we beseech Thee, and bless us in all our foreign relations and in the administration of our internal affairs. Bless the President of these United States, and the Congress now in session. We pray blessings upon the Chief Executive of this commonwealth, and the Legislature now at work. Delicate and grave are the responsibilities that come to us in our work. Give grace and wisdom to Thy servants here, for this hour and its demands, and help us to glorify and magnify Thy name. Guide us ever by

Thy counsel—it is wise and makes no mistake. These blessings we ask for the sake of Him who in all His life showed Himself to be the manliest of men—even Jesus Christ, our only Mediator and Redeemer. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Bowser,

Senator Presler was excused for non-attendance from Friday of last week up to and including yesterday, on account of important business.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 1, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 281, a bill to be entitled "An act to authorize towns and villages incorporated under the provisions of chapter 11, title 18, of the Revised Civil Statutes, to condemn the right of way over and across the road bed and right of way of any railway company, within the limits of such town or village, when deemed necessary by such town or village for the purpose of opening, widening or extending the public streets of such towns or villages; to define the duties of railway companies when their road beds and rights of way are condemned for street purposes by such towns or villages, and to prescribe a penalty for violations thereof."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COLQUITT, Chairman.

Committee Room,

Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 320, a bill to be entitled "An act to ratify and validate county boundary surveys heretofore made by authority of the several commissioners' courts instead of by authority of county courts."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that the accompanying substitute do pass.

WOODS, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Darwin:

Senate concurrent resolution No. 19, requiring the Railroad Commission to make a survey of a railroad from the deep water on the Gulf to a point on Red river, and report its findings to the Twenty-sixth Legislature.

Read and referred to the Committee on Internal Improvements.

By Senator Greer:

Whereas, the Hon. W. W. Weatherred, who was an honored member of the Senate of the Seventeenth and Eighteenth Legislatures of this State, recently departed this life; be it

Resolved, first, that we, the Senate of Texas of the Twenty-fifth session of the Legislature recognize in his death the loss to the State of a worthy and upright citizen; to the bar, of an honorable and respected member; to his associates, of a faithful friend; and to his family, of an affectionate and generous father, whose high character, fine sense of honor, courteous bearing, fidelity to all trusts, made him an ornament to every station in life in which he moved;

Second. That we extend our cordial sympathy to the bereaved members of his family;

Third. That a copy of this resolution be furnished by the Secretary of the Senate to the daily press for publication, and to the family of the deceased.

Read, and, on motion of Senator Turney, unanimously adopted by a rising vote.

Call concluded.

The Chair announced the appointment of the following free conference committee on the part of the Senate, to consider the differences of the two houses on

Senate bill No. 240, a bill to be entitled "An act to amend an act entitled an act to provide for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State or to any county, city or town to satisfy the lien thereon; as enacted by the regular session of the Twenty-fourth Legislature, being chapter 5a, of title CIV. of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act,"

Senators Colquitt, Wayland, Morriss, Kerr and Neal.

### HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,  
Austin, Texas, April 2, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate

That the House has granted the request of the Senate for a free conference committee on Senate bill No. 240, and has appointed the following committee: Messrs. Drew, Robbins, Childs, Meade and Ayers.

Also, that the House has passed the following resolutions:

Senate concurrent resolution No. 18, requesting the Governor of Texas to return to the Senate joint resolution No. 7, to receive the signature of the President of the Senate.

Senate concurrent resolution No. 17, authorizing and empowering the Daughters of the Republic of Texas to place a statue of one of the fathers of Texas in the Hall of Statuary in the national capitol at Washington, D. C.

House concurrent resolution No. 19, requesting the Governor to return enrolled House bills No. 387 and No. 443 for correction.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The Chair laid before the Senate House concurrent resolution No. 19 (see above), which was read and adopted.

On motion of Senator Bowser, the regular order of business was suspended, to take up on its second reading,

Senate bill No. 247, a bill to be entitled "An act to require cotton ginners to make weekly reports to the Commissioner of Agriculture, Insurance, Statistics and History, fixing a penalty for the violation thereof, and requiring the Commissioner of Agriculture, Insurance, Statistics and History to file and tabulate said reports."

Bill read second time.

By Senator Turney:

Amend by striking out all of section 5 of the bill.

Adopted by the following vote:

Yeas—15.

Burns.	Lewis.
Colquitt.	Linn of Victoria.
Darwin.	Linn of Wharton.
Greer.	Morriss.

Neal.  
Ross.  
Terrell.  
Tillett.

Bailey.  
Beall.  
Bowser.

Atlee.  
Boren.  
Dibrell.  
Goss.  
Kerr.

Yett.

By Senator Ross:

Amend by striking out the enacting clause.

Lost.

By Senator Colquitt:

Amend by adding sections 7 and 8, as follows:

"Sec. 7. All cattle and chicken raisers shall make like reports of the number of calves dropped and chicks hatched each week.

"Sec. 8. All cotton oil mills shall report the number of pounds of cotton seed bought and number of gallons of oil made each week."

Lost.

By Senator Darwin:

Amend by adding section 5, to read as follows:

"Sec. 5. The Commissioner of Agriculture, Insurance, Statistics and History shall make weekly statements of all facts received by him weekly, to be republished in pamphlet form, and forward a copy of the same by mail to all ginners of the State making reports as provided by this act."

Lost by the following vote:

Yeas—9.

Bailey.  
Beall.  
Boren.  
Bowser.  
Burns.

Darwin.  
Greer.  
Harrison.  
Wayland.

Nays—13.

Colquitt.  
Gough.  
Lewis.  
Linn of Victoria.  
Linn of Wharton.  
Morriss.  
Neal.

Presler.  
Ross.  
Terrell.  
Tillett.  
Turney.  
Woods.

Absent.

Atlee.	Rogers.
Dibrell.	Stafford.
Goss.	Stone.
Kerr.	Yantis.

**Excused.**  
Yett.

Senator Colquitt moved that the further consideration of the bill be indefinitely postponed.

(Senator Boren in the chair.)

Senator Lewis offered the following as a substitute for the motion:

Resolved, that this bill be referred to a special committee of four, to consist of the Senator from Kaufman, the Senator from Dallas, the Senator from Lamar and the Senator from Ellis.

Senator Bailey moved the previous question on the bill and pending motions, which was duly seconded; and pending ordering same,

Senator Beall sent up the following amendment, and asked that it be considered, to-wit:

Amend by adding after the word "Governor," in line 21, page 2, the following: "Provided, the weekly tabulations so made by the said Commissioner shall be immediately furnished by him for publication to at least two of the daily newspapers of the State."

The request for consideration was granted, and the main question ordered.

The amendment was adopted.

Senator Lewis moved to reconsider the vote by which the amendment was adopted.

Reconsidered by the following vote:

Yeas—21.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Neal.
Boren.	Ross.
Bowser.	Stafford.
Burns.	Terrell.
Colquitt.	Tillett.
Darwin.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Lewis.	

Nays—2.

Gough. Linn of Wharton.

Absent.

Dibrell.	Rogers.
Goss.	Stone.
Kerr.	Yantis.
Presler.	

**Excused.**

Yett.

The amendment was then adopted by the following vote:

Yeas—14.

Bailey.	Darwin.
Beall.	Gough.
Boren.	Greer.
Bowser.	Harrison.
Burns.	Linn of Wharton.

Neal.  
Stafford.

Tillett.  
Woods.

Nays—9.

Atlee.	Ross.
Colquitt.	Terrell.
Lewis.	Turney.
Linn of Victoria.	Wayland.
Morriss.	

**Absent.**

Dibrell.	Rogers.
Goss.	Stone.
Kerr.	Yantis.
Presler.	

**Excused.**

Yett.

Senator Tillett moved to reconsider the vote by which the previous question was ordered.

Senator Atlee made the point of order that the motion was not in order for the reason that the Senate was operating under the previous question, which had been partly executed.

Sustained.

The substitute motion (Lewis)—to refer the bill to special committee) prevailed by the following vote:

Yeas—11.

Burns.	Terrell.
Colquitt.	Tillett.
Lewis.	Turney.
Morriss.	Wayland.
Neal.	Woods.
Ross.	

Nays—10.

Atlee.	Darwin.
Bailey.	Gough.
Beall.	Greer.
Boren.	Harrison.
Bowser.	Linn of Victoria.

**Absent.**

Dibrell.	Rogers.
Goss.	Stafford.
Kerr.	Stone.
Linn of Wharton.	Yantis.
Presler.	

**Excused.**

Yett.

(Lieutenant Governor Jester in the chair.)

The Chair gave notice of signing, and did sign in the presence of the Senate, after its caption had been read,

Senate bill No. 30, a bill to be entitled "An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interests of the people and railroads of this State."

On the adoption of the motion (Colquitt's) as substituted, there was no

quorum, the following Senators voting:

Yeas—11.

Boren.	Ross.
Burns.	Terrell.
Colquitt.	Turney.
Lewis.	Wayland.
Linn of Victoria.	Woods.
Morriss.	

Nays—8.

Atlee.	Greer.
Beall.	Harrison.
Bowser.	Tillett.
Darwin.	Yantis.

Absent.

Bailey.	Neal.
Dibrell.	Presler.
Goss.	Rogers.
Gough.	Stafford.
Kerr.	Stone.
Linn of Wharton.	

Excused.

Yett.

On motion of Senator Lewis, the Senate took a recess to 3 p. m.

AFTER RECESS.

The Senate was promptly called to order at 3 p. m.

(Lieutenant Governor Jester in the chair.)

FREE CONFERENCE COMMITTEE REPORT.

The following free conference committee report was made:

Committee Room,  
Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of the Senate, and Hon. L. T. Dashiell, Speaker of the House of Representatives:

We, your free conference committee who were appointed to consider

Senate joint resolution No. 8, being a resolution to amend section 3 of article XI of the Constitution of the State of Texas, so as to authorize certain counties to give aid in the construction of railways,

Have had the same under consideration, and we recommend that the Senate recede from its objections to the House amendments, that the House

insist upon its said amendments, and that the Senate do concur therein.

Respectfully submitted.

ATLEE,  
Chairman;  
BURNS,  
LEWIS,  
TURNER,  
On part of the Senate.  
BELL,  
BAILEY,  
BLAIR,  
TURNER,  
SEABURY,  
On part of the House.

Senator Tillett moved to suspend the regular order of business to take up, on second reading,

Senate bill No. 80, a bill to be entitled "An act defining citations in district, county and justice courts, providing for what they shall contain, how issued and how and by whom served and returned, and providing the manner of issuance of certain notices, and providing for the manner of their service and return, and repealing all laws and parts of laws in conflict therewith."

Senator Colquitt inquired as to the status of Senate bill No. 247 (see caption in morning session), the substitute motion of Senator Lewis, to refer the bill to a special committee of four (being a substitute motion for the motion of Senator Colquitt to indefinitely postpone), having been adopted.

The Chair ruled that the adoption of the substitute motion (Lewis') to refer the bill, settled the question, and that it was not necessary to vote on motion as substituted.

The regular order of business was then suspended, and Senate bill No. 80 (see above) taken up.

Senator Ross moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Boren.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.
Lewis.	

Absent.

Bailey.	Stafford.
Goss.	Stone.
Rogers.	

**Excused.**

Yett.

Quorum announced.

Bill (Senate bill No. 30) read second time, with committee amendments.

Committee amendments adopted.

By Senator Yantis:

Amend by striking out all of section 1 of subdivision 2, and insert in lieu thereof the following: "It shall state the names of all parties and the nature of the plaintiff's demand."

Adopted by the following vote:

Yeas—19.

Atlee.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Morriss.
Colquitt.	Neal.
Darwin.	Presler.
Dibrell.	Ross.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Kerr.	

Nays—5.

Beall.	Tillett.
Boren.	Turney.
Terrell.	

Absent.

Bailey.	Rogers.
Goss.	Stafford.
Lewis.	Stone.

Excused.

Yett.

By Senator Tillett:

Amend line 27, page 1, section 1, by adding after the words "may be," the following: "For which service the clerk or justice shall be entitled to the sum of 15 cents."

Adopted.

By Senator Colquitt:

Amend by striking out all after the word "of," in line 20, page 2, and all of line 21, and insert in lieu thereof the following: "five cents per 100 words."

By Senator Linn of Wharton:

Substitute the amendment as follows:

Amend by striking out the words "ten cents," wherever they occur, and insert in lieu thereof "five cents."

Adopted.

The amendment as substituted was

Lost.

Senator Colquitt moved to reconsider the vote by which the amendment as substituted was lost.

Senator Linn of Wharton moved to table the motion to reconsider.

Tabled.

By Senator Tillett:

Amend line 29, page 1, section 2, by striking out the words "where the defendant upon whom service is sought to be had resides," and insert the following: "as is now or may hereafter be provided by law."

Adopted by the following vote:

Yeas—23.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Boren.	Linn of Wharton.
Bowser.	Morriss.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Yantis.
Kerr.	

Nays—1.

Woods.

Absent.

Bailey.	Rogers.
Goss.	Stafford.
Neal.	Stone.

Excused.

Yett.

By Senator Colquitt:

Amend line 20, page 2, by striking out the word "ten," and insert in lieu thereof the word "six."

Lost.

By Senator Greer:

Amend line 28, page 2, by changing section 7 to section 8, and making section 7 read as follows:

"Sec. 7. Writs of garnishment may be served in the same manner as provided for by section 3 of this act."

Adopted.

Senator Ross moved to suspend the call of the Senate.

Lost.

By Senator Yantis:

Amend by adding after the word suit, in line 22, page 1, the words "and the file number of the suit."

Lost.

Senator Atlee moved that further action on the bill be postponed till tomorrow after call, and that the bill be made special order for that hour.

Lost.

By Senator Beall:

Amend by adding to section 2 the following: "And to compel the defendant to plead at the return term of the court, the citation in any event must be served at least 10 days before the first day of such return term exclusive of the days of service and return."

**Adopted.**

By Senator Ross:

Amend by striking out all after the word "act," in line 16, page 3.

Lost.

By Senator Beall:

Strike out subdivision 5, section 1, and insert in lieu thereof the following: "It shall summon the defendant to appear and answer the plaintiff's petition at the next regular term of the court, stating the time and place of holding the same."

Adopted.

By Senator Atlee:

On page 1, strike out line 12 of the printed bill (enacting clause):

Lost by the following vote:

Yeas—10.

Atlee.	Kerr.
Boren.	Ross.
Burns.	Terrell.
Colquitt.	Woods.
Harrison.	Yantis.

Nays—12.

Bailey.	Morriss.
Beall.	Neal.
Darwin.	Presler.
Greer.	Tillett.
Lewis.	Turney.
Linn of Wharton.	Wayland.

Absent.

Bowser.	Linn of Victoria.
Dibrell.	Rogers.
Goss.	Stafford.
Gough.	Stone.

Excused.

Yett.

By Senator Bailey:

Amend page 2, section 5, line 19, by striking out after the word "receive," "fifty cents," and insert in lieu thereof "twenty-five cents."

Adopted by the following vote:

Yeas—14.

Bailey.	Harrison.
Beall.	Kerr.
Boren.	Ross.
Bowser.	Terrell.
Burns.	Wayland.
Colquitt.	Woods.
Gough.	Yantis.

Nays—9.

Atlee.	Morriss.
Darwin.	Neal.
Greer.	Presler.
Lewis.	Tillett.
Linn of Victoria.	

Absent.

Dibrell.	Stafford.
Goss.	Stone.
Linn of Wharton.	Turney.
Rogers.	

**Excused.**

Yett.

By Senator Presler:

Amend page 1, line 19, subdivision 2, of section 1, as substituted, by adding thereto the following: "and shall give the county of residence of plaintiffs and defendants."

Adopted.

By Senator Yantis:

Amend by adding after the word "delay," in line 3, page 2, the following: "When the defendant is to be served without the county in which the suit is pending, a certified copy of the plaintiff's petition shall accompany the citation, and should there be more than one defendant to be served without the county, a certified copy of the petition shall be made out for each of them."

Lost.

Pending further consideration,

Senator Yantis moved to indefinitely postpone further consideration of the bill.

Senator Bailey moved, as a substitute, that the bill as amended be printed, and that the bill be made special order for Tuesday, April 6, after call.

Carried.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate concurrent resolution No. 17, authorizing and empowering the Daughters of the Republic of Texas to place a statue of one of the Fathers of Texas in the Hall of Statuary in the national capitol at Washington, D. C.

Senate bill No. 285, a bill to be entitled "An act making an appropriation for the establishment of a public park on the site of the battlefield of San Jacinto, and the erection of the necessary buildings and improvements thereon, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park."

Senate bill No. 171, a bill to be entitled "An act to amend article 3582a, title LXXVa, of the Revised Civil Statutes, in regard to the Board of Pardon Advisers."

Senator Atlee called up the free conference committee report on

Senate joint resolution No. 8, "To amend section 3 of the Constitution, article 11, so as to authorize certain counties to give aid in the construction of railways,"

And moved that the Senate adopt said report.

Adopted by the following vote:

## Yeas—23.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Boren.	Morriss.
Bowser.	Ross.
Burns.	Terrell.
Colquitt.	Tillett.
Darwin.	Turney.
Dibrell.	Wayland.
Gough.	Woods.
Greer.	Yantis.
Harrison.	

## Nays—none.

## Absent.

Goss.	Rogers.
Kerr.	Stafford.
Neal.	Stone.
Presler.	

## Excused.

Yett.

Senator Colquitt called up

Senate bill No. 60, a bill to be entitled "An act to amend article 1180, title 30, chapter 1, of the Revised Civil Statutes of Texas, relating to the institution of suits on holidays and on Sundays."

Which had been passed by the House with amendments, and moved that the Senate concur in said amendments.

Concurred.

The following

## EXECUTIVE MESSAGE

Was received, and laid before the Senate:

Executive Office, April 2, 1897.

To the Senate: Senate bill No. 55 is herewith returned without approval. The bill seeks to amend articles 641 and 642 of the Revised Statutes, providing for the creation of private corporations. In the main it is a re-enactment of these articles, adding only a few purposes of incorporation, yet in other respects it materially amends the present law. Several provisions of the bill impress me as of questionable expediency and wisdom, but only one will be considered.

Under the existing statute regulating the formation of private corporations (section 37, article 642, Revised Statutes), they may be formed to act as trustees, assignees or receivers when appointed by any firm, corporation or court, and to do a general fiduciary and depository business; to act as sureties and guarantors of the fidelity of employes, trustees, executors, administrators, guardians, *public officials*, and others appointed to or assuming the performance of any du-

ty or trust, *public* or private, under appointment by any court or tribunal or under contracts between private individuals or corporations; on any bond required in judicial proceedings, and to act as executors or testamentary guardians; *provided*, that when any bond of an executor, administrator or guardian, or any bond in judicial proceedings, or any bond required to be filed by any *public official* is signed by a corporation organized under the statute, deemed good security, such bond may be accepted by the proper officer without other security.

It is provided in the same section, for obvious reasons, that fidelity and guaranty companies organized under it shall at all times keep on deposit with the Secretary of State not less than \$50,000 in available cash assets, and that this amount be kept intact at all times.

Guaranty and fidelity corporations are regulated by chapter 16 of title 21 of the Revised Statutes. By article 733 of that chapter it is provided that "Hereafter any corporation organized or created under the laws of this State, or of any other State or territory, or of any municipality of such State or territory, or of any foreign government, sovereignty or municipality, for the purpose of issuing surety, guaranty or indemnity bonds, guaranteeing the fidelity of persons in private offices, employments or positions of trust and contracts, or for acting as security on any such bonds, shall file with the Commissioner of Agriculture, Insurance, Statistics and History a certified copy of its articles of incorporation and all amendments thereto."

By succeeding articles it is provided that such companies shall, before transacting business, file with the Commissioner of Insurance a statement of their assets and liabilities, their net capital stock and of what it consists, that they shall not transact business in this State unless possessed of at least \$100,000 actual capital stock, and that they shall deposit with the State Treasurer money or bonds or other securities, to be approved by the Commissioner of Insurance, to the amount of \$25,000, or shall produce satisfactory proof that such corporations own real estate in this State of the value of \$25,000.

A comparison of section 37 of article 642 with chapter 16 shows that while the former permits the organization of corporations guaranteeing *official bonds*, the latter has no application



whatever to such companies. The latter applies only to foreign and domestic corporations created "for the purpose of issuing surety, guaranty or indemnity bonds guaranteeing the fidelity of persons in *private* offices, employments or positions of trust and contracts or for acting as security on such bonds." The requirement of chapter 16, that fidelity and guaranty corporations shall have an actual capital stock of at least \$100,000, and keep with the State Treasurer money or approved security amounting to \$25,000, does not govern corporate sureties, whether foreign or domestic, on official bonds. There is no law of this State which expressly authorizes such companies, organized elsewhere, to transact business here, and such companies created by the laws of this State are not required to procure a certificate of authority from the Commissioner of Insurance. The only protection against the default of corporations that become sureties on official bonds organized under the laws of this State is the deposit of \$50,000, required by section 37 of article 642, and this is repealed by the bill under consideration.

Official bonds aggregating probably a million dollars are required to be given in this State biennially, and if the policy of allowing corporations to become sureties on them shall prevail, existing safeguards should be preserved and others devised and adopted.

C. A. CULBERSON.

#### COMMITTEE REPORTS.

The following committee reports were made:

Committee Room,

Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on State Affairs, to whom was referred

Senate bill No. 334, a bill to be entitled "An act to regulate the business of building and loan associations, and to define the conditions under which they shall be permitted to do business within the State of Texas, and to provide pains and penalties for the violation of the provisions of this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room,

Austin, Texas, April 1, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 278, a bill to be entitled "An act to establish an additional State normal school."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Acting Chairman.

Committee Room,

Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Internal Improvements, to whom was referred

House bill No. 606, a bill to be entitled "An act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the Texas, Louisiana and Eastern Railroad, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway, as a part of its own line, with the right to extend the same, and to construct branches therefrom by amendment to its charter under the general laws of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, for the reason that a Senate bill upon the same subject has passed both houses.

COLQUITT, Chairman.

Committee Room,

Austin, Texas, April 2, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 265, a bill to be entitled "An act to amend title XCIV of chapter 10, of the Revised Statutes of Texas, by adding thereto article 4494a, requiring passenger trains of railroads to stop at all county seats of this State through which they pass for transporting passengers; and its station agents to sell tickets to other county seats along its line or stopping places of such trains, and prescribing penalties for failure to do so."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

COLQUITT, Chairman.

Committee Room,  
Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of  
the Senate.

Your Committee on Internal Im-  
provements, to whom was referred

The concurrent resolution of the  
Legislature of the State of Kansas,  
looking to a conference of delegates  
from the State of Kansas, the Terri-  
tory of Oklahoma and the State of  
Texas, to devise ways and means to  
obtain relief from exorbitant freight  
rates, etc.,

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the rec-  
ommendation that the accompanying  
Senate concurrent resolution be adopt-  
ed.

COLQUITT, Chairman.

Committee Room,  
Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of  
the Senate:

Your Committee on Enrolled Bills  
have carefully examined and com-  
pared

Senate concurrent resolution No. 17,  
being a resolution authorizing and em-  
powering the Daughters of the Repub-  
lic of Texas to place a statue of one  
of the Fathers of Texas in the Hall of  
Statuary in the national capitol at  
Washington, D. C.,

And find the same correctly enrolled,  
and have this day, at 4:20 p. m., pre-  
sented the same to the Governor for  
his approval.

NEAL, Acting Chairman.

Committee Room,  
Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of  
the Senate.

Your Committee on Enrolled Bills  
have carefully examined and com-  
pared

Senate bill No. 285, entitled "An act  
making an appropriation for the estab-  
lishment of a public park on the site  
of the battle field of San Jacinto, and  
the erection of the necessary buildings  
and improvements thereon, and provid-  
ing for the purchase and condemna-  
tion of a sufficient amount of land  
upon which to establish said park,"

And find the same correctly enrolled,  
and have this day, at 4:20 p. m., pre-  
sented the same to the Governor for  
his approval.

NEAL, Acting Chairman.

Committee Room,  
Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of  
the Senate.

Your Committee on Enrolled Bills  
have carefully examined and com-  
pared

Senate bill No. 171, entitled "An act  
to amend article 3582a, title LXXVa,  
of the Revised Civil Statutes, in regard  
to the Board of Pardon Advisers,"

And find the same correctly enrolled,  
and have this day, at 4:20 p. m., pre-  
sented the same to the Governor for  
his approval.

NEAL, Acting Chairman.

Committee Room,  
Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of  
the Senate.

Your Committee on Enrolled Bills  
have carefully examined and com-  
pared

Senate bill No. 30, a bill to be enti-  
tled "An act to enable the Railroad  
Commission of Texas to make emer-  
gency freight rates to prevent the evil  
effects of interstate rate wars upon  
the business and interests of the peo-  
ple and railroads of this State."

And find the same correctly enrolled,  
and have this day, at 12:20 p. m., pre-  
sented the same to the Governor for  
his approval.

NEAL, Acting Chairman.

On motion of Senator Linn of Vic-  
toria, the regular order of business  
was suspended to take up, on second  
reading,

House bill No. 314, a bill to be enti-  
tled "An act to amend articles 529c,  
529d, 529g, 529h, 529m and 529n of  
chapter 5, title 13, of the Penal Code  
of the State of Texas of 1895, and by  
adding articles 529s and 529t to said  
chapter 5, title 13, of said Penal Code  
of the State of Texas, relating to of-  
fenses for the protection of fish and  
oysters, and to repeal all laws in con-  
flict herewith."

Bill read second time.

By Senator Lewis:

Amend article 529g, subdivision 3,  
by adding after the words "St. Charles  
bay," in line 19, the following, "Red-  
fish bay and Aransas bay."

Lost.

Bill passed to third reading.

On motion of Senator Lewis, the  
regular order of business was sus-  
pended, to take up, on its third read-  
ing,

House bill No. 176, a bill to be enti-  
tled "An act to quiet titles to lands lo-

cated and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas, entitled an act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States, a certificate for 1280 acres of land, approved April 9, 1881, and to validate patents issued on such locations and surveys."

Bill read third time, and passed by the following vote:

Yeas—18.

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Neal.
Burns.	Ross.
Greer.	Terrell.
Harrison.	Tillett.
Kerr.	Turney.
Lewis.	Wayland.
Linn of Victoria.	Yantis.

Nays—3.

Colquitt.	Woods.
Gough.	

Yeas.	Paired.	Nays.
Stone.	Darwin.	
	Absent.	
Boren.	Presler.	
Bowser.	Rogers.	
Dibrell.	Stafford.	
Goss.		

Excused.

Yett.

Senator Lewis moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

(Senator Terrell in the chair.)

On motion of Senator Gough, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 324, a bill to be entitled "An act to amend article 594, of chapter 11, title 18, of the Revised Civil Statutes of Texas, so as to confer on the board of aldermen of towns and villages having a population of 500 inhabitants and over the right to establish, erect, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks, crossings, and to regulate the construction and use of the same; and to make the owner of the lot or lots fronting on a sidewalk responsible for the cost of construction, and creating a lien against said lot or lots for the amount of said cost."

Bill read second time.

By Senator Gough:

Amend bill by adding "Section 2. The

fact that the calendars of both Senate and House are crowded, and the near approach of the close of the session, and the necessity for the enactment of this bill into a law, create an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted."

Adopted.

By Senator Darwin:

Amend by adding after the word "substitute" the following in line 25: "Provided, that if said person own no personal property, and has not paid his poll tax, he shall not be required to work upon said streets and alleys."

Senator Gough moved to lay the amendment on the table.

Tabled.

Bill ordered engrossed.

On motion of Senator Gough, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Ross.
Burns.	Terrell.
Colquitt.	Tillett.
Darwin.	Turney.
Gough.	Wayland.
Greer.	Woods.
Lewis.	Yantis.

Linn of Victoria.

Nays—none.

Absent.

Boren.	Linn of Wharton.
Dibrell.	Rogers.
Goss.	Stafford.
Harrison.	Stone.
Kerr.	

Excused.

Yett.

Bill read third time, and passed.

On motion of Senator Atlee, the regular order of business was suspended, to take up, on its second reading,

House bill No. 571, a bill to be entitled "An act prescribing the time of holding the terms of the district court in the Twenty-eighth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and to repeal all laws and parts of laws in conflict herewith."

Bill read second time.

By Senator Atlee:

Amend on next to last page, in line 14, from botton, as follows: Strike out

"2nd" and insert in lieu "1st;" and in line 12, from bottom, strike out "two" and insert in lieu "three."

In third line from bottom, strike out "third" and insert in lieu "fourth."

In first line on last page, strike out "ten" and insert in lieu "nine;" and in the fourth line of last page strike out "four" and insert in lieu "five."

**Adopted.**

Senator Bowser moved to suspend the call of the Senate.

Lost.

By Senator Turney:

Amend by striking out all after the word "weeks," in last line of page 2, down to and including the word "week," in line 15, page 3, and insert in lieu thereof the following:

"In the county of Zavala, on the ninth Monday after the first Monday in March and September, and continue in session one week.

"In the county of Dimmit, on the tenth Monday after the first Monday in March and September, and continue in session one week.

"In the county of La Salle, on the eleventh Monday after the first Monday in March and September, and continue in session two weeks.

"In the county of Zavala, on the thirteenth Monday after the first Monday in March and September, and continue in session one week."

**Adopted.**

Bill as amended passed to third reading.

On motion of Senator Atlee, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Boren.	Morriss.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Terrell.
Darwin.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yantis.

Nays—none

Absent.

Dibrell.	Rogers.
Goss.	Stafford.
Neal.	Stone.

Excused.

Yett.

Bill read third time, and passed by the following vote:

Yeas—24.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Boren.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.

Nays—none.

Absent.

Dibrell.	Stafford.
Goss.	Stone.
Rogers.	Yantis.

Excused.

Yett.

Senator Tillett entered a motion to reconsider the vote by which the several amendments to section 1 of Senate bill No. 80 (see caption above), were adopted, and had the same spread upon the Journal.

(Lieutenant Governor Jester in the chair.)

The Chair gave notice of signing, and did sign, after their captions had been read,

House bill No. 162, a bill to be entitled "An act to amend article 193, chapter 1, title 7, of the Penal Code of the State of Texas, relating to disturbance of religious worship."

House bill No. 346, a bill to be entitled "An act to transfer Red River and Fayette counties from the district school system to the community school system, and to authorize and empower the said counties to organize and conduct all of their public free schools under the community system, as provided for by the laws now in force."

House bill No. 612, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Laredo, ceding to the United States of America certain streets intersecting land to be purchased by the United States of America for the purpose of providing a new site for the military post or reservation called Fort McIntosh, for the erection of fortifications and for such other uses as the government of the United States may desire."

House bill No. 351, a bill to be entitled "An act to amend an act to provide for the construction and maintenance of drains, ditches and water-

courses, and for the improvement and enlargement of natural drainage in Texas."

House bill No. 473, a bill to be entitled "An act to restore to and confer upon the county court of Leon county the civil and criminal jurisdiction heretofore belonging to said county court under the Constitution and General Statutes of the State, and to conform the jurisdiction of the district court of said county to such change."

House bill No. 96, a bill to be entitled "An act to provide the mode of furnishing certain supplies to the asylums, and to repeal chapter 3, title IX, of the Revised Civil Statutes of the State of Texas, adopted April 29, 1895,"

On motion of Senator Darwin, the regular order of business was suspended to take up, on its second reading,

House bill No. 614, a bill to be entitled "An act to regulate the terms and fix the times for holding the district courts in the Eighth Judicial District of Texas, and to repeal all laws and parts of laws in conflict with this act."

Bill read second time, and passed to third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Bowser.	Morriss.
Burns.	Neal.
Colquitt.	Presler.
Darwin.	Ross.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.

Nays—none.

Absent.

Boren.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Rogers.	Yantis.

Excused.

Yett.

Bill read third time, and passed.

#### HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,  
Austin, Texas, April 2, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House has adopted the report of the free conference committee on Senate joint resolution No. 8, being a resolution to amend section 3, of article XI, of the Constitution of the State of Texas, so as to authorize certain counties to give aid in the construction of rail-ways.

Also, that the House has concurred in Senate amendments to House bill No. 168.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Wayland, the Senate adjourned to 10 a. m. to-morrow.

#### SIXTY-THIRD DAY.

Senate Chamber,

Austin, Texas, Saturday, April 3.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Bowser.	Morriss.
Burns.	Neal.
Darwin.	Presler.
Gough.	Ross.
Greer.	Stafford.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	

Absent.

Beall.	Stone.
Boren.	Terrell.
Colquitt.	Tillett.
Dibrell.	Woods.
Goss.	Yantis.
Rogers.	

Excused.

Yett.

Prayer by the Chaplain, Rev. F. S. Jackson.

Almighty God: This morning we come to Thee for pardon, waves of pardon, great billows of Thy pardoning love; that underneath that infinite fullness our sin may be lost like a stone in the unfathomable deep. Lead us into all truth; deliver us from all narrowness of thought, and all bigot-